

1 SENATE BILL NO. 416

2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the House Committee on Appropriations

4 on March 4, 2022)

5 (Patron Prior to Substitute--Senator DeSteph)

6 A BILL to amend the Code of Virginia by adding a section numbered 2.2-4328.2, relating to the Virginia
7 Public Procurement Act; purchase of personal protective equipment.

8 **Be it enacted by the General Assembly of Virginia:**

9 **1. That the Code of Virginia is amended by adding a section numbered 2.2-4328.2 as follows:**

10 **§ 2.2-4328.2. Purchase of personal protective equipment by state agencies.**

11 A. When in the course of procuring personal protective equipment for public use, a state agency
12 shall ensure that such equipment comply with all applicable federal and international certifications and
13 requirements for such equipment, and if a state agency receives three or more bids (i) from a Virginia-
14 based company or a manufacturer that uses materials or product components made in Virginia or the
15 United States or (ii) when personal protective equipment are unavailable from such companies or
16 manufacturers, from a United States-based manufacturer using materials or product components made in
17 the United States, such state agency may only select among those bids.

18 B. If a state agency is unable to purchase equipment in accordance with subsection A, it may
19 purchase equipment from another company or manufacturer so long as the state agency ensures that the
20 personal protective equipment are tested by an independent laboratory to ensure compliance with all
21 applicable federal and international certifications and requirements for such equipment. A state agency
22 may purchase equipment without the need for additional independent laboratory testing if the
23 manufacturer of such equipment provides verifiable proof of internal and independent testing by an
24 accredited United States laboratory or testing facility at the time of purchase.

25 C. State agencies shall comply with the provisions of this section unless the requirements stated in
26 subsections A and B cannot be met.

27 2. That the Secretary of Commerce and Trade (the Secretary) shall establish a work group to make
28 recommendations to the General Assembly regarding products other than personal protective
29 equipment that may be necessary if a state of emergency is declared in Virginia and that state
30 agencies should be required to purchase (i) from a Virginia-based company or a manufacturer that
31 uses materials or product components made in Virginia or the United States or (ii) when the
32 products are unavailable from such companies or manufacturers, from a United States-based
33 manufacturer using materials or product components made in the United States, if available. The
34 Secretary shall report the recommendations of the work group to the Chairs of the House
35 Committee on General Laws and the Senate Committee on General Laws and Technology by
36 September 1, 2022.

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